

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTIAN BERTOLI and PATTI
BERTOLI,

Plaintiffs,

v.

WACHOVIA CORPORATION, et al.,

Defendants.

NO. C11-3432 TEH

ORDER TO SHOW CAUSE

This case was recently reassigned to this Court following Plaintiffs' failure to consent to the jurisdiction of a magistrate judge. Prior to reassignment, Defendant Wachovia Mortgage, which contends it was erroneously sued as "Wachovia Corporation," filed a motion to dismiss and a motion to strike on July 20, 2011. Under Civil Local Rule 7-3, Plaintiffs were required to file oppositions or statements of non-opposition to the motions by August 3, 2011. Plaintiffs failed to do so.

Following reassignment, Defendant re-noticed its motions for hearing on October 3, 2011. However, this did not change the briefing schedule. *See* Aug. 17, 2011 Clerk's Notice at 1 ("The due date for any opposition or reply papers not yet filed shall be calculated in accordance with Civil Local Rule 7-3.").

Accordingly, with good cause appearing, IT IS HEREBY ORDERED that:

1. Plaintiffs shall show cause as to why sanctions, including possible dismissal of this case for failure to prosecute, should not be imposed for their failure to file timely opposition papers. Plaintiffs' show cause response shall be filed on or before **September 2, 2011**.


2. Plaintiffs shall also file opposition papers or a statements of non-opposition to the pending motions by the same date.

1 3. If Plaintiffs fail to file timely responses to this order, then this case shall be
2 dismissed with prejudice for failure to prosecute.

3 4. The October 3, 2011 hearing dates are VACATED. Upon review of any timely
4 response by Plaintiffs, the Court will determine whether to schedule a show cause hearing
5 and/or set new reply deadlines and hearing dates on Defendant's pending motions to dismiss
6 and strike.

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8 **IT IS SO ORDERED.**

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10 Dated: 08/22/11



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT